

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PASQUAIL BATES, *et al.*,

Case No. 2:13-CV-1731-KJD-CWH

Plaintiffs,

V.

DOLLAR LOAN CENTER, LLC, *et al.*,

Defendants.

ORDER

Before the Court is Plaintiff Sharon Pratt's Motion to Voluntarily Dismiss Her Class Claims (#188). Defendants have responded in non-opposition (#189). The motion to dismiss appears to be the result of new facts illustrating that Pratt cannot serve as a class representative. To be clear, Pratt seeks to preserve her individual claims, while voluntarily dismissing her class claims.

Federal Rule of Civil Procedure 23(e) governs the voluntary dismissal of class actions and requires court approval. However, by its terms, Rule 23(e) applies only to “certified class[es].” There is no certified class here. Thus, this motion for voluntary dismissal is governed by Rule 41. Because Defendants have answered and filed motions for summary judgment, dismissal requires a court order. Fed. R. Civ. P. 41(a)(1)(A). However, pursuant to Rule 41(a)(2), the Court finds dismissal proper.

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1 Accordingly, Plaintiff Pratt's Motion to Voluntarily Dismiss her Class Claims (#188) is
2 **HEREBY GRANTED**. Further, Defendants' Motion for Leave to File Supplemental Opposition
3 to Plaintiff Sharon Pratt's Motion for Class Certification (#182) is **HEREBY DENIED** as moot.

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5 DATED this 9th day of December 2014.

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Kent J. Dawson
United States District Judge